

REMARKS

Claims 1-5, 19-23 and 30-34 are pending in the application. Applicants respectfully request the Examiner to reconsider Applicants arguments provided herein.

35 U.S.C. § 103

Claims 1, 19 and 30 stand rejected under 35 U.S.C. § 103 as being obvious over Hayduk (U.S. Publication No. 2003/0054833) in view of Aburai et. al (U.S. Publication No. 2002/0090953). The Examiner submits that Hayduk discloses substantially all elements of these independent claims. The Examiner submits, however, that Aburai discloses the elements not taught by Hayduk and that it would have been obvious to one of ordinary skill in the art to combine the features of these two references. Applicants respectfully traverse the Examiner's rejection.

Once again, Applicants respectfully submit that the Examiner failed to substantively address Applicants' previously submitted arguments pertaining to Hayduk and Aburai. For example, Applicants previously explained how Claims 1, 19 and 30 include the element of "causing the mobile device to confirm to the preferences and restrictions associated with the local area of coverage", which is not taught by Hayduk. In response to this argument, the Examiner essentially says that he agrees with Applicants statement but that Aburai teaches this element. The Examiner then falls back on a general statement (see figs 1-4, 6-8, 10-12 and associated text in Aburai) to allegedly show how this element is taught by Aburai.

Again, Applicants strongly disagree with the Examiner's position that Hayduk and/or Aburai, alone or in combination, teach the claimed invention. Applicants once again highlight the features in the claims, namely a supervisory device that imposes the policies on the device based on the area of wireless coverage by causing the device to conform to the preferences and restrictions for that area. As previously discussed and as agreed to by the Examiner, Hayduk describes the opposite scheme, namely one in which the *user* specifies the "policies" to be applied to their phone, thus allowing the user services preferences to act as a "filter" to determine what information the device receives

(Hayduk, Paragraphs 12 – 14). In fact, the entire Hayduk reference appears to be directed the concept of a mobile user roaming and obtaining data that it is interested in from the “broadcast” servers in the area. More specifically, the user transmits both a location and information about his/her interest to a broadcaster, which then utilizes the information to determine what to broadcast to the user’s device. See, for example, Paragraph 14 and Claim 1 of Hayduk below.

“[0014] As the mobile element 102 roams within the network 106, the position of the mobile element is monitored by the position monitoring module 117, typically using an included program module 135. The position may be transmitted to the broadcaster 104, either periodically, upon request, or continuously. The list of preferences 132, along with priorities 134, if desired, may also be sent to the broadcaster 104, or retained in the memory of the mobile element 102 and used as a filter (by the comparator module 137) against incoming data received from the broadcaster 104. In either case, the broadcaster 104 may transmit one or more of the files 128 to the mobile element 102 based on the current position 131 of the mobile element 102. If the client preferences 132 have previously been received by the broadcaster 104, then the files broadcast to the mobile element 102 may be filtered by the broadcaster 104 in accordance with the preferences received from the mobile element 102. In this case, a comparator module 133 residing in the broadcaster 104 may conduct the filtering operation. Otherwise, all of the files 128 may be broadcast to the mobile element 102, such that only those files which are related to the items in the preference list 132 may be retained in the memory 111 (L1, L2 . . . LM).”

See also, Claim 1.

1. An application execution system, comprising:
 a position monitoring module;
 a mobile element associated with a position capable of being monitored by the position monitoring module, the mobile element having a memory including a set of user service preferences including a first service preference;
 a service broadcaster capable of being communicatively coupled to the mobile element and broadcasting a second service preference to the mobile element; and
 a comparator module communicatively coupled to the mobile element to compare the first and second service preferences.

The scheme in Hayduk is thus simply inapplicable to the presently claimed invention. Even assuming arguendo the Examiner is allowed to select discrete portions of Hayduk without regard for the context of the application, Applicants nonetheless submit that the sections of Hayduk do not teach or suggest various claim elements. For example, the Examiner states that Hayduk teaches that device capabilities and preferences are sent to the broadcaster 104 and said information is examined and based on a determination select information is broadcasted and that this element allegedly teaches the element of “examining device configuration information associated with the wireless electronic device on the at least one or more supervisory devices. Applicants strongly disagree. Hayduk merely shows that user preferences are sent to a broadcaster

and appropriate information is then sent to the user's wireless device. This is in direct contrast to the scheme claimed herein where the supervisory device receives *device configuration information regarding functions on the device* and sends preference and restriction information *to* the wireless electronic device.

With respect to Aburai, Applicants respectfully submit that Aburai does not teach or suggest the elements not taught by Hayduk. Aburai describes its scheme as:

“In accordance with the present invention, there are provided a mobile communication device communication method and system in which positional and usage information is communicated when the use of the device corresponds to its usage limit. The system is featured by including steps of judging whether or not the use of the mobile communication device corresponds to its usage limit by collating positional information of the mobile device including a latitude and longitude of the device or including a latitude, longitude and altitude thereof with usage information set in the form of limits of latitude and longitude or in the form of limits of latitude, longitude and altitude; and transmitting or receiving usage information according to its judgement result.”

Aburai, Paragraph 5.

There is nothing in Aburai that describes the claimed element of “sending device configuration information associated with the wireless electronic device on the at least one supervisory devices regarding one or more functions associated with the wireless electronic device”, as suggested by the Examiner. As shown above, Aburai describes a scheme wherein a “usage limit” is determined based on positional information. In contrast, the claimed invention sends “device configuration information” which includes information about the functions available on the device. Nothing whatsoever in Aburai teaches or suggests this element.

Applicants respectfully submit that Hayduk and/or Aburai, alone or in combination, simply fail to render the pending independent claims unpatentable. They do not teach or suggest the claimed elements and there is absolutely nothing that would suggest that one of ordinary skill in the art would make the leap from the teachings of Hayduk and/or Aburai to render the claimed invention obvious. Applicants therefore respectfully submit that Hayduk and/or Aburai also do not render obvious the claims dependent on Claims 1, 19 and 30.

In summary, Applicants respectfully submit that Hayduk and Aburai do not render Claims 1-5, 19-23 and 30-34 unpatentable and Applicants respectfully request the Examiner to withdraw the 35 U.S.C. § 103 rejections to these claims.

CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-5, 19-23 and 30-34 are in condition for allowance. Applicants therefore respectfully request an early issuance of a Notice of Allowance in this case. If the Examiner has any remaining questions, he is encouraged to contact the undersigned at (714) 730-8225.

Respectfully Submitted,

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